

AMENDMENT
U.S. Appln. No. 09/938,860

REMARKS

Upon entry of the claim amendments, Claims 1-31 will be all the claims pending in the application.

Applicants have made cosmetic, non-narrowing amendments to the Claims. In particular, Applicants have amended Claims 1-2, 6-12, 16, 18, 21, 23, and 25 and added new Claims 26-31. Claim 17 has been rewritten in independent form. No new matter has been added. Furthermore, an Excess Claim Fee payment letter has been submitted herewith.

Applicants note with appreciation the Examiner's indication of allowable subject matter at Section Nos. 8 and 9 of the Office Action.

Referring to the rejection of Claims 1-2, 6, 8-12, 16, 21, 23, and 25 under 35 U.S.C. § 112, second paragraph, at Section No. 2 of the Office Action, Applicants respectfully request the withdrawal of this rejection in view of the currently amended claims.

Referring to the Examiner's comments on the Information Disclosure Statement (IDS) at Section No. 3 of the Action, Applicants regret any confusion that may have been caused. The original Search Report from the French Patent Office erroneously cited DE 3 830 697 instead of DE 3 830 679 and U.S. 5,414,012 rather than U.S. 5,414,029. In addition, the IDS contained a transcription error, wherein DD 149 373 was listed as DE 149 373. An IDS has been submitted herewith to rectify the situation.

The sole prior art rejection is set forth at Section Nos. 6-7 of the Action. Therein, it is stated that Claims 1-3, 5-7, 9-10, and 16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,234,988 to Brooks, *et al.* ("Brooks") or U.S. Patent No. 4,419,481 to Schwartz.

Applicants respectfully traverse.

Schwartz relates to a pressure-sensitive adhesive composition comprising a blend of:

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(1) an aqueous synthetic polymer latex comprising disperse polymer particles having a specific size (less than 120 mm), each of which comprises:

- a soft monomer having specific properties, and
- a hard monomer having other properties; and

(2) a tackifying amount of a tackifying resin.

An ethylenically unsaturated carboxylic may also be used in this composition.

Brooks discloses a high adhesion coating for rubber substrates, comprising an aqueous rubber latex, a resin emulsion, and ground rubber particles. The resin emulsion contains from about 15-85 wt%, preferably from about 30-70 wt%, of natural or synthetic lower aliphatic hydrocarbons having from 2-20 carbon atoms (Applicants refer to column 5, lines 17-21).

Neither Schwartz nor Brooks is particularly pertinent to the claimed emulsion. Neither Schwartz nor Brooks discloses each and every element of the emulsion or provides any motivation for a person of ordinary skill in the art to arrive at the claimed emulsion. For example, the claimed emulsion comprises a synthetic binder having a softening point (or ring and ball temperature) of between 30 and 100°C, as measured according to the NFT 66-008 standard. This element of the emulsion is not disclosed or suggested by Schwartz or Brooks.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this §103 rejection.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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